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ABSTRACT

Methods of providing public instruction to incarcerated school-aged youths are briefly addressed in this pamphlet. The legal responsibility of local school districts to locate, identify, and provide services to youths awaiting or serving sentence is outlined. Educational programs that are available for youths in jail and that directly parallel public school programs are briefly described as follows: regular school curriculum, high school equivalency preparation programs, basic literacy skills, occupational education, and special education. The school district of residence at the time of custody can arrange for educational services in one of four ways: direct tutoring, contracting with a school connected with the jail, contracting with the school district in which the jail is located, and contracting with Boards of Cooperative Educational Services. Mandated responsibilities for school districts and county jails are also outlined, and suggestions for cooperative arrangements are offered regarding identification of youth, determination of education need, and provision of service. It is noted that educational programs for incarcerated youths may be funded through local, state, and/or federal funds. Additional funding sources include: the high school equivalency preparation program, adult basic education, and Title I Neglected and Delinquent Children's Education Program. Special considerations for handicapped youths and youths with limited English proficiency are noted, and relevant sections of New York State Education law and regulations of the Commissioner are listed. (SEW)

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EDUCATIONAL SERVICES FOR JAILED YOUTH

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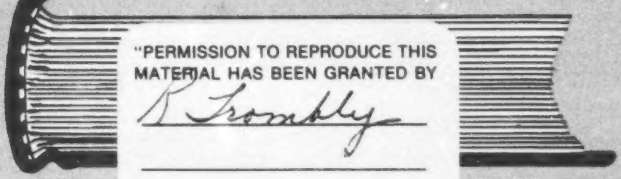

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EDUCATIONAL SERVICES FOR JAILED YOUTH

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PURPOSE

More than 35,000 youths between the ages of 16 and 21 were admitted to county correctional facilities during the 1981–82 school year. This pamphlet addresses their entitlement to public education during their stay in county jails.

The contents are intended to inform the following of methods for providing instruction to incarcerated school-age youth:

- school superintendents
- county sheriffs
- ancillary education personnel
- correction staff

The pamphlet outlines the legal responsibility of local school districts to locate, identify and provide services to youths in jail. It is a practical guide for understanding and effecting service delivery for young adults awaiting or serving sentence.

YOUTH IN JAIL

Under compulsory education law, county jails are considered noneducational institutions for the care and custody of children. A school-age youth in jail is the responsibility of the district within which he or she resided when taken into custody.

Some school-age youths are required to attend instruction. Others may elect to continue their education. In either case, the district of residence must provide educational services.

WHO IS LEGALLY REQUIRED TO ATTEND INSTRUCTION WHILE IN JAIL?

Compulsory education law requires all children to attend school to age 16. In some situations, compulsory education law or local district policy may require children between 16 and 21 years of age to attend full-time, part-time or evening instruction. A youth who would be required to attend instruction if not jailed, must receive instruction while jailed.

WHO MAY ELECT TO ATTEND INSTRUCTION WHILE IN JAIL?

Youths who are over compulsory attendance age and who have not earned a high school diploma have the right to attend instruction until age 21. Those youths enrolled in a school at the time of incarceration have the right to continue their program of study. Those youths who were dropouts at the time of incarceration have the right to reenroll in a program of study.

PROGRAM FOCUS

The selection of educational programs is determined by assessing individual student needs and factors which affect those needs. Educational programs that are available for youths awaiting or serving sentence directly parallel public school programs, including:

1. **Regular School Curriculum.** Pupils acquire units of credit required by local policy and State law to earn a local or Regents diploma. Pupils successfully complete courses of study in various content areas. Pupils must also pass Regents competency tests in reading, writing and mathematics.
2. **High School Equivalency Preparation Program.** Pupils receive instruction in basic core areas for the purpose of taking a general equivalency examination. Pupils are granted a General Equivalency Diploma after scoring a total of 225 points on the equivalency exam, provided that a minimum score of 35 is attained on each of the five subtests.
3. **Basic Literacy Skills.** Pupils receive instruction to develop or strengthen the basic literacy skills. This satisfies minimum compulsory attendance requirements for 17–21-year-olds who cannot speak, read and write English at the 5th grade level. Pupils may also need basic literacy skills in order to enroll in more advanced courses of study.

PROGRAM FOCUS

4. **Occupational Education.** Pupils receive instruction to develop vocational skills necessary for gainful employment within a selected occupation.

5. **Special Education.** Pupils are identified as handicapped by the Committee on the Handicapped (COH) of the district of residence. Special education services and/or programs that are needed are documented in an Individualized Education Program (IEP) and approved by the Board of Education. In many cases, special education services may be needed to help a pupil benefit from other regular education programs.

PROGRAM PROVISION

The school district of residence at the time of custody can arrange for educational services in one of four ways:

1. **Direct Tutoring:** The district of residence employs a qualified teacher to provide services and instruction within the jail setting. Minimum instructional time for tutoring is 10 hours per week, preferably 2 hours per day.
2. **Contracting with a school connected with the jail.** A county jail may have cooperative agreements with private schools, colleges or other education agencies for providing educational services. The district of residence contracts with the established program providers to deliver required instruction to the pupils for whom they are responsible.
3. **Contracting with the school district in which the jail is located.** The district of residence contracts with the local school district to provide services within a school (through conditional release) or to employ a tutor for pupils within the jail.
4. **Contracting with BOCES.** The district of residence contracts with Boards of Cooperative Educational Services to provide occupational education, special education or other appropriate services to youths in county jails.

RESPONSIBILITIES

The following sections outline mandated responsibilities for school districts and county jails and suggest initiatives for cooperative arrangements relating to identification of youth, determination of educational need and provision of service.

IDENTIFICATION

District Responsibilities

Districts must provide services to pupils who are required to or elect to attend school. In order to do this, districts of residence must locate and identify registered pupils who are absent from school. Some of these pupils may be in jail. They must be identified to arrange for continuation of their instruction. For pupils over compulsory school age, districts must follow mandated notification and conference procedures before dropping a pupil from the register.

County Jail Responsibilities

Jail personnel are required to provide access to school attendance officers.

Cooperative Initiatives

School and jail authorities should establish notification procedures in order to promptly locate and identify school-age youths admitted to county jails.

RESPONSIBILITIES

DETERMINATION OF NEED

District Responsibilities

After identifying youths in jail, districts must determine the educational status of each. It is important to note that many districts require the attendance of pupils over 16 as part of local policy. Also, it is required by State law that persons ages 17–21 who cannot speak, read and write English at a 5th grade competency level must receive instruction. Finally, youths under 21 without high school diplomas may wish to continue their education. Districts must determine who is eligible to receive instruction and what type of instruction is needed. Handicapped youths must be reviewed by the Committee on the Handicapped. Youths suspected of having handicapping conditions must be referred to the COH for evaluation.

County Jail Responsibilities

Jail personnel are required to provide access to school district staff who need to determine the educational status of identified youth.

Cooperative Initiatives

School and jail authorities should establish methods for exchanging information and procedures for informing eligible youths of their right to receive instruction through their district of residence. For youths not currently enrolled, it may be necessary to establish a system for reenrollment.

RESPONSIBILITIES

SERVICE PROVISION

District Responsibilities

Districts must provide appropriate educational options which meet the needs of jailed youths, including special education and/or other needed services. Districts arrange for delivery of services directly or through contracts with a school connected with the jail, BOCES or other school districts. School districts must arrange for transportation for programs outside the jail setting and provide instructional materials, supplies and equipment.

County Jail Responsibilities

Although county jails are not required to provide educational programs, jail authorities must provide appropriate facilities and arrange inmate schedules to allow for instruction. County jails must also provide security for educational personnel and inmates as needed.

Cooperative Initiatives

School and jail authorities should make arrangements to ensure effective delivery of service, including the identification of qualified personnel, appropriate instructional time and adequate settings for instruction. Districts and jail personnel should assist school-age youths in the transition to regular or special education programs upon release.

FUNDING

Educational programs for incarcerated youths may be funded through local, State and/or Federal funds. State aid is generated for youths in jail in the same manner as it is for other pupils enrolled in public schools. Funds are generated based on average daily attendance in an approved program within the jail setting or in a program attended outside the jail. A jailed student receiving a minimum of two hours of instruction per day by a tutor is counted for full-day attendance. If a contract is arranged with another district, the district providing the service claims State aid for attendance and charges the district of residence the net difference between State aid and actual instructional costs. Additional State aid formulas for special education or other aidable services may be applied where such services are provided.

OTHER FUNDING SOURCES

High School Equivalency Preparation Program

The State allocates funds to all districts for adults and out-of-school youths without a high school diploma who achieve at least a 7.0 on a standardized reading test. Districts may run programs independently, with other districts or through BOCES.

FUNDING

Adult Basic Education for Recipients of Public Assistance

State funds are available through an application process to operate basic education and literacy programs for recipients of public assistance who are at least 16 years of age and not enrolled in a regular school program.

Welfare Education Program

Federal funds are available through application by public schools or BOCES to serve functionally illiterate adults (over 16) and adults with limited English proficiency who are receiving public assistance.

Adult Basic Education

Federal funds are available through application by public schools, BOCES or other public and private nonprofit agencies to serve functionally illiterate adults and adults with limited English proficiency. ABE differs from the Welfare Education Program in agency and client eligibility criteria.

Title I Neglected and Delinquent Children's Education Program

Federal funds are available to institutions responsible for the care of neglected and delinquent children. Funds are administered through local school districts to applying institutions. Monies are used to provide supplemental instruction to youth under 21 to enhance employability, reduce recidivism and to assist in transition to local schools and communities.

SPECIAL CONSIDERATIONS

Some jailed youths require educational programs that are provided in public schools through specialized instruction.

SPECIAL EDUCATION

Youths with handicapping conditions in jails must be provided individualized instruction as recommended by the local district Committee on the Handicapped and approved by the Board of Education. Special education must be provided for a minimum of 10 hours per week, preferably two hours per day, by appropriately qualified personnel.

Those youths suspected of having a handicapping condition must be referred in writing to the COH for required evaluations and recommendations.

LIMITED ENGLISH PROFICIENCY

Youth with limited proficiency in the English language may require bilingual or English as a second language (ESL) instruction. It is the responsibility of the district of residence to arrange for the appropriate program and/or service.

LEGAL REFERENCES

The material in this pamphlet reflects the following sections of New York State Education Law and Regulations of the Commissioner.

EDUCATION LAW

§1958 — Services and contracts by/with BOCES
§3201.1 — Right to free public education
§3202.1-a — Dropout prevention
§3202.7 — Care and custody institutions—authorization to enter into contracts
§3204 — Instruction required
§3205 — Compulsory attendance full-time instruction
§3206 — Compulsory attendance part-time instruction
§3207 — Compulsory attendance evening instruction
§3212.5 — Duties of persons other than parents
§3213.2.b — Attendance officers—right to entry
§3602 — Aid ratio, computation
§3635 — Transportation
§4401 — Definitions of handicapping conditions
§4402 — Duties of school districts—handicapped children

REGULATIONS OF THE COMMISSIONER

Part 154 — Limited English Proficiency
Part 175.2 — Minimum instruction by tutor
Part 200 — Handicapped children